



DEPARTMENT OF CORRECTIONS POLICIES AND PROCEDURES

Policy No.: DOC 4.1.3	Subject: OFFENDER PERSONAL PROPERTY
Chapter 4: FACILITY/PROGRAM SERVICES	Page 1 of 6, + 2 attachments
Section 1: Reception and Orientation	Revision Date: March 19, 1997 March 12, 2001; June 29, 2001
Signature: /s/ Bill Slaughter	Effective Date: May 1, 1997

I. POLICY:

It is the policy of the Department of Corrections to establish personal property possession limits for offenders. The intent is to permit offenders to possess only those items that do not endanger the security and safety of staff or other offenders.

II. AUTHORITY:

2-15-112, MCA. Duties and Powers of Department Heads
53-1-203, MCA. Powers and Duties of Department of Corrections
53-1-105, MCA. Disposition of Contraband in Correctional Institution
ACA Standards for Adult Correctional Facilities
DOC Policy 3.1.17, Offender Searches
DOC Policy 3.1.28, Crime Scene and Physical Evidence Preservation
DOC Policy 3.4.1, Adult Institutional Discipline

III. DEFINITIONS:

Detailed description means a listing of an offender's property that includes number, color, manufacturer, model, identifying markings, serial numbers, condition, and any other specific characteristics.

Contraband means any item possessed by an offender or found within the facility which is not issued, and/or approved by the Warden/Administrator and authorized by facility/program policy, including altered items as defined by DOC Policy 3.4.1, Adult Institution Discipline and DOC Policy 3.1.17, Offender Searches.

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Personal property means non-issued property items that an offender will be permitted to retain in accordance with facility/program policy and procedure.

IV. PROCEDURES:

A. Offender Initial Reception Process

1. The process of admitting personal property into facility reception areas will be determined by local policy.

B. Approved Property Items

1. Each facility will develop a list of personal property items that substantially complies with attachment A. These items shall be uniform in design, appearance, purpose and quantity between the various facilities to the greatest extent possible.
2. Each facility/program will develop a policy that limits the amount of property possessed by offenders. Offender property will not exceed the amount of property that could be stored in ten cubic feet, unless specified by local policy. Local policy may provide for additional storage of legal material only.
3. Offenders are not allowed to give, trade or sell property to, or receive or buy property from, other offenders.
4. Personal property may only be purchased through facility/program services and/or approved vendors. Third party shipments from outside the approved vendor list are prohibited.
5. Facility policies on offender personal property will be reviewed on an annual basis by the Warden/Administrator/Program Manager or designee.

C. Inter-Facility Transfers

1. The receiving facility/program will provide to the sending facility/program a current policy describing property limit variations from this policy.

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2. The receiving facility may agree, in advance, to provide secure storage for a limited quantity of personal property when:
 - a) The item(s) were permitted under the policies of the sending facility and were in the offender's possession at the time of the transfer.
 - b) The item(s) would not be adversely affected by long-term non-climate controlled storage.
3. Both facilities will inspect and inventory property in the offender's presence and a detailed receipt will be prepared describing each item and its general condition. Local policy will be developed to track and audit the storage of offender property. Restricted items to be stored by the receiving facility/program will be stored unopened in the same shipping container as was packed by the sending facility.
4. All offender property stored by a facility/program will be reasonably protected from damages due to weather, unauthorized access, tampering or theft.
5. Transferred property will be accepted into the custody of the facility/program's property officer or designee only. At no time will offenders directly accept transferred property.
6. All facilities/programs will process offender property in compliance with all DOC policies regarding searches and contraband.
7. Care should be taken not to damage or destroy personal property. If this should occur, the staff member must complete a report and submit it to the supervisor.
8. All property will be inventoried on a personal property form (attachment B). A copy will go to the offender, to facility records, and a copy will be placed with the property while in storage. This form will identify all property taken from the offender and must include the following information:
 - a) the offender's name, AO number, and the date of receipt
 - b) the name of the person conducting the inventory

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- c) a detailed description of the property and its condition
- d) the disposition of all items
- e) the offender's signature

D. Facility Responsibility for Offender Property

In the event that an offender's property is lost or damaged, and a determination is made that the facility/program is responsible for the loss, destruction, or damage of the property, the facility must either replace the item or reimburse the offender in an amount to be determined by the facility (not to exceed \$75 per item, with a maximum not to exceed a total of \$500 for all items).

E. Unauthorized Items

1. Unauthorized items brought into the facility will be documented and disposed of according to facility policy.
2. Contraband items such as weapons, narcotics, alcohol, etc., will be properly marked and processed according to DOC Policy 3.1.28, Crime Scene and Physical Evidence Preservation, or it will be turned over to local law enforcement authorities for investigation.

F. Disposing of and Shipping Property

1. It is the offender's responsibility to arrange for pickup or shipping of items in excess of that allowed by the facility/program. If excess property is not sent out by the facility/program, or is not stored by mutual agreement of the facility/program and the offender, it shall be considered contraband and disposed of according to local policy.
2. Electronic and special purchase items such as stereos/walkmans, CD players, watches, shoes, etc., that are damaged must be submitted to the facility property officer before replacement purchases may be authorized. Replacement of non-damaged items of this kind may occur on an annual basis only. The replaced item must be submitted to the facility/program property officer for disposal pursuant to facility/program policy.

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3. Property in excess of established limits will be packaged and shipped at the expense of either the offender or the Offender Welfare Fund, or it will be destroyed at the request of the offender. Shipping or disposition of the excess property will occur within twenty-four hours of reception to the facility. An additional surcharge for shipping materials may be assessed.

G. Storage

Each facility/program must maintain a secure storage area for all offender property pending final disposition. All property will be stored according to the offender's name and number, with access restricted from other offenders. No offender will be involved in the search, inventory or storage process of property unless under direct staff supervision. All electronic property will be tested in the offender's presence, and its condition will be documented on the property inventory form.

H. Money/Checks/Negotiables

1. Funds brought by the offender to the facility will be forwarded to the business office, and the offender will be provided a receipt.
2. An account will be established for the offender noting deposits and withdrawals. The offender will be regularly updated regarding the balance of the account.
3. Personal checks on behalf of the offenders will not be accepted.

I. Property Exceptions

1. Offenders housed in high security areas will be subject to additional property limits.
2. Offender property may be limited by the level that the offender achieves on earned incentive programs.
3. Property may be limited as a sanction under the facility/program's Disciplinary Policy.

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4. Authorization of an item at the time of admission does not imply that it may not be limited in some other way at a later time, or that the offender may retain the property if placed in a restricted housing status.
5. Additional property may be needed in order for some offenders to effectively perform certain work that is assigned by the facility.
6. Less property may be allowed in selected facilities/programs based on program needs.
7. Property may be restricted for medical or psychiatric reasons as authorized by a qualified health care provider and approved by the Warden/Administrator.

J. Fiscal

Costs associated with the shipping and/or off-site storage of property transferred between facilities, as outlined in Sections C and F, must be funded by either the offender or the Offender Welfare Fund. Utilization of Offender Welfare Fund accounts for the storage and shipping of offender property must be addressed in local policy.

K. Implementation

This revised policy will become effective on June 18, 2001.

V. **CLOSING:** Questions concerning this policy should be directed to the immediate supervisor.

ATTACHMENT A – DOC POLICY 4.1.3

RECOMMENDED PROPERTY LIMITS

Pursuant To DOC Policy 4.1.3, Offender Personal Property, this attachment serves as an inventory of recommended offender property limits at all facilities/programs. All offender property with the exception of site-specific property must fit in a ten cubic foot container.

The number following each item is the recommended maximum amount an offender may possess of the item. All legal material must fit into a separate container, the size of which is to be determined by local policy. Excess legal material will not be confiscated as excess property, but may restrict the amount of non-legal property that an offender may possess.

Local policy may be more restrictive than the recommended limits.

Standard Property – (Males)

- Legal papers – to be stored in a container designated by local policy
- Tennis Shoes or Work Boots (if applicable to local Industries Program) – limit two pair total-cost not to exceed \$60.00 per pair
- Shower shoes – 1 pair only (issued by the facility/program or purchased from canteen)
- Socks – nine (9) pairs – white only
- Briefs or boxer shorts (cotton only; must have fly opening) – nine (9) pair – white only
- T-shirts (cotton only) – nine (9)
- Thermal underwear (top and bottom) – three (3) sets – white only
- Sweatshirts (cotton) – two (2) – athletic gray only - no hooded shirts
- Sweatpants (cotton) – two (2) – athletic gray only - no pockets
- Gym shorts – two (2) – athletic gray only-no pockets
- Knit stocking cap – one (1) – dark blue only-must be purchased from canteen or approved vendor
- Baseball cap - one (1) – dark blue only-must be purchased from canteen or approved vendor

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- Handkerchiefs – six (6) – white only
- Towels – two (2) – towel size limited to 27”x50”; hand-towels, wash cloths-white only
- Winter gloves – one pair (1)-purchased from canteen or approved vendor
- Prescription eyewear – (glasses, reading glasses and contacts). Offenders will be allowed three (3) sets only. Only one pair of medically necessary sunglasses, one container of saline solution and one container of daily contact cleaner are allowed. Medically necessary sunglasses will be considered one of the three allowed pair. Contacts and contact supplies will be allowed at offender's expense. The facility/program is not liable for their replacement or loss.
- Watch – one (1)-value not to exceed \$75.00
- Wedding Ring – one (1)-value not to exceed \$75.00
- Religious medallion – two (2)-value not to exceed \$50.00 each
- Electric razor or beard trimmer – one (1)
- Calculator – one (1) - non-printable only-value not to exceed \$25.00
- Walkman radio, CD player, cassette player, or any combination of the three – one (1) unit-value not to exceed \$75.00
- Headphones – one (1)-value not to exceed \$75.00
- Compact discs or cassette tapes – combination not to exceed 24 unless by local incentive program.
- Books/Magazines – as determined by local policy
- Assorted personal hygiene products – as determined by local policy

Standard Property – (Females)

- Clothing comparable to that allowed in the male standard property list
- Acrylic mirror (1) – small
- Address Book (1)
- Batteries (8) – any size
- Bowl (1)

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- Drinking Container (1)
- Eating Utensils (1 set)
- Brassieres (8)

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- Panties/Boxers (8)
- Photo Album (1)
- Power Strip (1)
- Rosary Beads (1)
- Slippers – count as cumulative footwear
- Hair Accessories
- Brush/Comb (1)
- Hair Dryer (1)
- Sponge Rollers (1 set)
- Bobbie Pins (plastic only)
- Loofah Sponge/Mitt (1)
- Make-up – (8) – cumulative items
- Nail Clipper (1) – file removed
- Earrings (2 pair) – post only
- Extension Cord (1) – six foot maximum
- Headphones – one (1)-value not to exceed \$75.00
- Prescription eyewear – (glasses, reading glasses and contacts). Offenders will be allowed three (3) sets only. Only one pair of medically necessary sunglasses, one container of saline solution and one container of daily contact cleaner are allowed. Medically necessary sunglasses will be considered one of the three allowed pair. Contacts and contact supplies will be allowed at offender's expense. The facility/program is not liable for their replacement or loss.

Site – Specific Property (Subject to the storage provisions of DOC 4.1.3)

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- Televisions – one (1) – screen no larger than 13”; no smaller than 12"-value not to exceed \$300.00
- Remote control – one (1) – AAA or AA battery operated only-one for each component owned
- Stereo/radio – one (1) – not to exceed dimension size 28”x14”x12”-detachable speakers are not allowed-value not to exceed \$150.00 (Note – any clock with a radio is considered a radio)

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- Word Processor – one (1) – integrated single component only-non-DOS compatible (must be a proprietary system reading or writing to DOS diskettes)-value not to exceed \$425.00
- Game Boy- one (1) – hand held Game Boy video game - battery operated - with a maximum of ten (10) Game Boy game cartridges.
- Typewriter (electric or manual) – one (1) – single component only-value not to exceed \$150.00 (Note: may possess either a word processor or a typewriter - not both)
- Print wheels and/or typewriter ribbons – three (3) in any combination
- Fan (1) – no box or pole
- Bed Lamp (1) – clamp only
- Curling Iron (1)

Recreation Equipment –Recreation equipment is subject to the storage provisions of DOC 4.1.3, and will be stored by those facilities that do not allow these forms of property.

Equipment is purchased by the offender from an approved vendor only with the approval of the facility/program’s recreation supervisor.

- Weight lifting belt – one (1) – brown leather only
- Softball cleats – one (1) – rubber bottoms only-included in the Level I shoe limit
- Softball glove – one (1)
- Elastic eyeglass retainer – one (1) – black only
- Protective mouthpiece – one (1)

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- Hand / knee wraps – one (1) set -white only
- Harmonica – one (1)
- Guitar – one (1) – includes electric, acoustic, banjo, and mandolin-must be purchased from an approved vendor only-value may not exceed \$500.00
- Recreation T-shirts – considered a part of the standard property t-shirt limit-white with black lettering only

TL and Detention Status

- Bible or other religious/spiritual book – one (1)
- Plastic comb – one (1)

- Tooth brush – one (1)
- Soap – one (1)
- Tooth paste – one (1)
- Plastic soap dish – one (1)
- Towel – one (1)
- Toilet tissue – one (1)
- Clear plastic pen – one (1)
- Stationery – amount determined by local policy
- Briefs – facility/program issue – one (1)
- Socks - facility/program issue – one (1)
- Shower shoes - facility/program issue – one (1)
- Shampoo – one (1)
- Deodorant – one (1)
- Clothing – as issued by the facility/program – one (1) set

Administrative Segregation

- Clothing – as issued by the facility/program – one (1) set
- Shoes – one (1) pair tennis shoes or facility/program issued
- Plastic comb – one (1)
- Shampoo – one (1) – plastic bottle only
- Conditioner – one (1) – plastic bottle only
- Deodorant – one (1) – solid only
- Soap – two (2) – bar only
- Toothpaste – one (1)
- Toothbrush
- Pens – two (2) – clear only
- Drinking cups – two (2)
- Books – five (5)

- Magazines – three (3)
- Newspapers – two (2)
- Spiritual book – one (1)
- Wedding ring - one (1)
- Religious medallion/medicine bag – one (1) – no chain
- Personal photos – fifteen (15) - no backing or frames
- Stocking cap – one (1) – blue only
- Watch – one (1)
- Authorized medications
- Stationery / envelopes – quantity to be determined by local policy
- Legal material – current case only
- Personal letters
- Authorized canteen items
- Library books – three (3)
- Additional property may be issued based on local policy and clear conduct

ATTACHMENT B – DOC 4.1.3
OFFENDER PERSONAL PROPERTY INVENTORY AND RECEIPT

Offender Name (Last, First, M I): _____

AO #: _____

Facility/Program Transferred From:

Facility/Program Transferred To:

Date Received: _____

Container condition upon receipt (Offender Initials): _____ Damaged _____ Undamaged

The property list attached may not be in the offender's possession at this facility and will be (check one):

_____ stored in a secure, non-climate controlled storage until the offender is released,
transferred to another facility, or shipment is requested to a personal representative for
disposition.

_____ destroyed within twenty-four hours of admission

Offender's Signature Authorizing Property Disposal

Date

	DESCRIPTION	SERIAL Number	CONDITION (Circle)	COMMENT/DISPOSITION	OFFENDER INITIALS
1			Good Fair Poor		
2			Good Fair Poor		
3			Good Fair Poor		
4			Good Fair Poor		
5			Good Fair Poor		
6			Good Fair Poor		
7			Good Fair Poor		
8			Good Fair Poor		
9			Good Fair Poor		

Attach additional pages as needed. The offender should initial each additional page.

Acknowledgement: I agree to hold _____ (facility/program), the Montana Department of Corrections, and their employees and representatives harmless from liability for loss or damage to any stored items unless such loss or damage occurred as the result of a willful act or gross negligence on the part of such employees or representatives.

Offender's Signature

Date

Facility Representative

Date

Copies: Offender File

Facility File

Property Storage Container(s)

Offender